

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LEROI PAUL LUJAN, No. C 07-00387 CW (PR)
Petitioner. ORDER TO SHOW CAUSE
v.
JAMES DAVIS, Chairman,
Board of Parole Hearings,
Respondent.

Petitioner, a state prisoner, has filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. He has paid the \$5.00 filing fee. It does not appear from the face of the petition that it is without merit. Good cause appearing, the Court hereby issues the following orders:

1. The Clerk of the Court shall serve a copy of this Order and the petition and all attachments thereto upon Respondent¹ and Respondent's attorney, the Attorney General of the State of California. The Clerk shall also serve a copy of this Order on Petitioner at his current address.

2. Respondent shall file with this Court and serve upon Petitioner, within sixty (60) days of the issuance of this Order, an Answer conforming in all respects to Rule 5 of the Rules Governing Section 2254 Cases, showing cause why a writ of habeas corpus should not be issued. Respondent shall file with the Answer a copy of all portions of the relevant state records that have been

¹ Petitioner has named Acting Warden Ben Curry as Respondent. The State's practice in this Court in prisoner petitions challenging parole decisions has been to designate the Chairman of the Board of Parole Hearings, formerly the Board of Prison Terms, as the proper Respondent. Therefore, the Court orders James Davis, Chairman of the Board of Parole Hearings, to respond.

1 transcribed previously and that are relevant to a determination of
2 the issues presented by the petition.

3 3. If Petitioner wishes to respond to the Answer, he shall
4 do so by filing a Traverse with the Court and serving it on
5 Respondent within thirty (30) days of his receipt of the Answer.
6 Should Petitioner fail to do so, the petition will be deemed
7 submitted and ready for decision thirty (30) days after the date
8 Petitioner is served with Respondent's Answer.

9 4. Respondent may file a motion to dismiss on procedural
10 grounds in lieu of an Answer, as set forth in the Advisory
11 Committee Notes to Rule 4 of the Rules Governing Section 2254
12 Cases. If Respondent files such a motion, Petitioner shall file
13 with the Court and serve on Respondent an opposition or statement
14 of non-opposition to the motion within thirty (30) days of receipt
15 of the motion, and Respondent shall file with the Court and serve
16 on Petitioner a reply within fifteen (15) days of receipt of any
17 opposition.

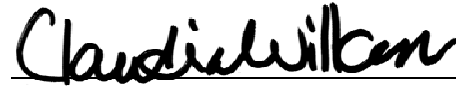
18 5. It is Petitioner's responsibility to prosecute this case.
19 Petitioner must keep the Court and Respondent informed of any
20 change of address and must comply with the Court's orders in a
21 timely fashion. Petitioner must also serve on Respondent's counsel
22 all communications with the Court by mailing a true copy of the
23 document to Respondent's counsel.

24 6. Extensions of time are not favored, though reasonable
25 extensions will be granted. Any motion for an extension of time
26 must be filed no later than ten (10) days prior to the deadline
27 sought to be extended.

1 7. The Clerk of the Court is directed to substitute James
2 Davis, Chairman of the Board of Parole Hearings, as Respondent in
3 place of Acting Warden Ben Curry.

4 IT IS SO ORDERED.

5 Dated: 5/23/07



CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

LEROY PAUL LUJAN,

Plaintiff,

v.

James Davis, Chairman
Board of Parole Hearings

Defendant.

Case Number: CV07-00387 CW

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on May 23, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Leroy Paul Lujan E-76840
Correctional Training Facility
East Dorm 8-Low
P.O. Box 689
Soledad, CA 93960

James Davis, Chairman
Board of Parole Hearings
Post Office Box 4036
Sacramento, CA 95812-4036

Attorney General
State of California
455 Golden Gate Avenue, #11000
San Francisco, CA 94102

Dated: May 23, 2007

Richard W. Wieking, Clerk
By: Sheilah Cahill, Deputy Clerk